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Image 1632 ✓  
PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	10/038,271
Filing Date	October 23, 2001
First Named Inventor	Fallaux et al.
Group Art Unit	1632
Examiner Name	D. Nguyen
Attorney Docket Number	2578-3833.6US

### ENCLOSURES (check all that apply)

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### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Bretton L. Crockett	Registration No. 44,632
Signature		
Date	January 28, 2004	

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REJECTION OVER A PRIOR PATENT**Docket Number (Optional)  
2578-3833.6US

In re Application of:

Application No.: 10/038,271

Filed: October 23, 2001

For: PACKAGING SYSTEMS FOR HUMAN RECOMBINANT ADENOVIRUS TO BE USED IN GENE THERAPY

The owner\*, Crucell Holland B.V. of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,994,128. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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